

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Renzer Bell

Plaintiff,

-against-

Andrew Michael Koss, a/k/a Michael Koss, Dr. Kain
Kumar, Sharmini Kumar, John Doe, Exotic Euro Cars,
and "ABC Corporations" being unknown, and fictitious
at this time,

Defendants.

Case No.: **17 CV 7762(ANT)(DCF)**

**AFFIDAVIT IN SUPPORT OF DEMAND
FOR EQUITABLE RELIEF OF ENTRY OF
CERTIFICATE OF DEFAULT AGAINST THE
DEFENDANT EXOTIC EURO CARS**

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

Renzer Bell, makes the following affirmation subject to penalties for perjury:

I, Renzer Bell am Plaintiff in the above titled action, and respectfully move this Court to issue an Order pursuant to Local Civil Rule 55.1, Federal Rule of Civil Procedure 55, and documents identified as ***docket nos. 1, 5, 11, 29, 113, 115, 116, 117, 119, and 152***, ruling the defendant Exotic Euro Cars in default of the Complaint, docketing, and entering a Certificate Of Default against the defendant Exotic Euro Cars, and granting such other and further relief as the Court deems just, and equitable.

The reasons why I am entitled to the relief I seek are the following:

- 1) That the Plaintiff commenced the instant action on October 10, 2017 by filing the Complaint labeled docket no. 1.
- 2) That the defendant Exotic Euro Cars was served by serving its registered agent, Robert W. Thompson, Esq., personally on November 9, 2017 with one (1) copy each of the Summons and Complaint at the offices of Callahan Thompson Sherman & Caudill, LLP.

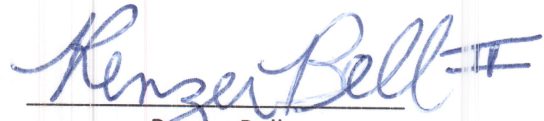
- 3) That the proof of service upon the defendant Exotic Euro Cars was filed on *December 1, 2017* as evinced by ***docket no. 5***.
- 4) The Plaintiff is informed and believes, and based thereon avers that the defendant Exotic Euro Cars was once a fictional person created under the laws of the State of California.
- 5) The Plaintiff is informed and believes, and based thereon avers that the defendant Exotic Euro Cars is no longer a corporation in good standing in the State of California.
- 6) The Plaintiff is informed and believes, and based thereon avers that the defendant Exotic Euro Cars is not an infant.
- 7) The Plaintiff is informed and believes, and based thereon avers that the defendant Exotic Euro Cars does not currently serve in the United States military.
- 8) The Plaintiff is informed and believes, and based thereon avers that the defendant Exotic Euro Cars is not an incompetent person.
- 9) The Plaintiff is informed and believes, and based thereon avers that the defendant Exotic Euro Cars filed an Answer to the Complaint, docket no. 11, and an Amended Answer to the Complaint, docket no. 29, however in each Answer the defendant Exotic Euro Cars failed, or refused to plead insufficient service of process as an affirmative defense.
- 10) The Plaintiff is informed and believes, and based thereon avers that the defendant Exotic Euro Cars is in default of the Complaint due to the defendant Exotic Euro Cars' failure, or refusal to comply with Orders identified as docket nos. ***113, 115, 116, 117, and 119*** issued over a period exceeding two (2) years.
- 11) The Plaintiff is informed and believes, and based thereon avers that the legal authority to grant the Plaintiff's instant petition for equitable relief rests in Orders identified as docket nos. ***113, 115, 116, 117, and 119***, and the Order instructing the Plaintiff to seek the equitable relief sought herein identified as docket no. 152.

12) That the Plaintiff hereby asks the Clerk of Court to enter a Certificate of Default against the defendant Exotic Euro Cars.

WHEREFORE, the Plaintiff respectfully seeks leave of this Court for an Order pursuant to Local Civil Rule 55.1, Federal Rule of Civil Procedure 55, and documents identified as *docket nos. 1, 5, 11, 29, 113, 115, 116, 117, 119, and 152*, ruling the defendant Exotic Euro Cars in default of the Complaint, docketing, and entering a Certificate Of Default against the defendant Exotic Euro Cars, and granting such other and further relief as the Court deems just, and equitable.

I declare under penalty of perjury that the foregoing statements are true and correct.

Affirmed on the 19th day of November, 2021


Renzer Bell

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Renzer Bell

Plaintiff,

-against-

Andrew Michael Koss, a/k/a Michael Koss, Dr. Kain
Kumar, Sharmini Kumar, John Doe, Exotic Euro Cars,
and "ABC Corporations" being unknown, and
fictitious at this time,
Defendants.

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CLERK'S CERTIFICATE OF DEFAULT

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on October 10, 2017 with the filing of a Summons and Complaint, a copy of the Summons and Complaint was served on the defendant Exotic Euro Cars by serving its registered agent, Robert W. Thompson, Esq., personally on November 9, 2017 with one (1) copy each of the Summons and Complaint at the offices of Callahan Thompson Sherman & Caudill, LLP, and proof of such service thereof was filed on December 1, 2017 as docket no 5.

I further certify that the docket entries indicate that the defendant Exotic Euro Cars failed, or refused to comply with Orders identified as docket nos. **113, 115, 116, 117, and 119** issued over a period exceeding two (2) years, that Hon. United States District Judge Analisa Torres issued an Order, docket no. 152, instructing the Plaintiff to seek entry of default judgment against the defendant Exotic Euro Cars, and that the legal authority to grant the Plaintiff's instant petition for equitable relief rests in Orders identified as docket nos. **113, 115, 116, 117, 119, and 152**.

The default of the defendant Exotic Euro Cars is hereby noted.

Dated: New York, New York
November 19, 2021

RUBY J. KRAJICK
Clerk of the Court

By: _____
Deputy Clerk